

**BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH**  
**MINUTES OF PUBLIC MEETING**  
**COMMISSION CHAMBERS, ROOM 1400**  
**OF THE UTAH COUNTY ADMINISTRATION BUILDING**  
**February 10, 2015 - 9:00 A.M.**

**PRESENT:** COMMISSIONER LARRY A. ELLERTSON, CHAIR  
COMMISSIONER WILLIAM C. LEE, VICE-CHAIR  
COMMISSIONER GREG GRAVES

**ALSO PRESENT:**

Jeffrey R. Buhman, Utah County Attorney  
Robert J. Moore, Utah County Deputy Attorney  
David Shawcroft, Utah County Deputy Attorney  
Paul Jones, Utah County Deputy Attorney  
Bryan E. Thompson, Utah County Clerk/Auditor  
Julie Rollins, Utah County Purchasing Agent  
Peter Jepps, Utah County Assessor's Office  
Jim Stevens, Utah County Assessor's Office  
Bryce Armstrong, Community Development  
Peggy Kelsey, Community Development  
Steve Kitchen, Community Development  
Joshua K. Ivie, Community Development  
Dr. Joseph K. Miner, Health Department Exec. Director  
Bryce C. Larsen, Utah County Health Department  
Lana Jensen, Utah County Personnel Director  
Mark Brady, Assistant Personnel Director  
Jane Ivie, Personnel Office  
Richard Nielson, Utah County Public Works Director  
Brady Christensen, Public Works

Brian Voeks, Utah County Commission Office  
Andrea Allen, Utah County Recorder's Office  
James O. Tracy, Utah County Sheriff  
Mike Brower, Utah County Sheriff's Office  
Mike Forshee, Utah County Sheriff's Office  
Dalene Higgins, Utah County Sheriff's Office  
Matt Higley, Utah County Sheriff's Office  
Jerry Monson, Utah County Sheriff's Office  
Wally Perschon, Utah County Sheriff's Office  
Kim T. Jackson, Utah County Treasurer  
Cary McConnell, Utah County Treasurer's Office  
Taylor Oldroyd, Utah County Association of Realtors  
Chad Eccles, Mountainland Association of Governments  
John Higgins, Utah Department of Transportation  
Grey Turner, Utah Transit Authority  
Jennifer Baptista, Pleasant Grove Resident  
Lisa Liddiard, Pleasant Grove Resident  
James E. Faucett, -No further information given-  
Mike Stansfield, Fairways Media  
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Ellertson called the meeting to order at 9:05 A.M. and welcomed those present. The following matters were discussed:

**PRAYER/READING/THOUGHT:** Greg Graves, Utah County Commissioner

**PLEDGE OF ALLEGIANCE:** Bill Lee, Utah County Commissioner

**PUBLIC COMMENTS**

Commissioner Lee introduced Ben Mangelson, President of the Utah State Junior Livestock Committee. Mr. Mangelson is extremely passionate about youth involvement with livestock. The exhibitors are outgrowing the space at the Spanish Fork Fairgrounds, but he has been working with Mike Stansfield of Fairways Media for County Fair coordination and Cody Olson of the Utah County Public Works Department to improve lighting and sound. Mr. Mangelson praised both Mr. Stansfield and Mr. Olson for their commitment and accomplishments, presenting Mr. Olson with a team jacket in gratitude for his services. Commissioner Ellertson added his commendations.

Following public comments, the commissioners moved forward with the agenda as scheduled.



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Register No. 139	February 4, 2015	Direct Deposit:21350-21350	Total: \$ 67,013.89
Register No. 140	February 4, 2015	Check Nos. 204095-204108	Total: \$ 25,484.82
Register No. 141	February 4, 2015	Check Nos. 204109-204114	Total: \$ 3,130.00
Register No. 142	February 5, 2015	Check Nos. 204115-204126	Total: \$ 4,322.94
Register No. 143	February 5, 2015	Check Nos. 204127-204128	Total: \$ 2,027.29
Register No. 144	February 5, 2015	Check Nos. 204129-204131	Total: \$ 3,434.00
Register No. 145	February 5, 2015	Wires: 371-371	Total: \$ 216,247.91
Register No. 146	February 5, 2015	Direct Deposit:21351-21361	Total: \$ 793,405.84
Register No. 147	February 5, 2015	Check Nos. 204132-204143	Total: \$ 80,536.70
Register No. 148	February 6, 2015	Direct Deposit:21362-21363	Total: \$ 1,452.95
Register No. 149	February 6, 2015	Check Nos. 204144-204145	Total: \$ 2,676.04
Register No. 150	February 6, 2015	Check Nos. 204146-204154	Total: \$ 258,915.31
			<b>Total: \$1,929,538.46</b>

Consent Agenda Item Nos. 1 through 10 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

- 1. DELETE ONE FULL-TIME CAREER SERVICE DEPUTY - ENFORCEMENT POSITION (100-42140-4016-7-1), AND ADD ONE FULL-TIME CAREER SERVICE SERGEANT - ENFORCEMENT POSITION (100-42140-3091) TO THE EMERGENCY MANAGEMENT STAFFING PLAN IN THE ENFORCEMENT DIVISION OF THE SHERIFF'S OFFICE**

The commissioners initially suggested this item be continued one week to the February 17, 2015 meeting of the Board, but later returned to discussion and a vote after setting closed meetings (*Page 7*).

TABLED FOR FURTHER DISCUSSION

\*Please refer to the final page of these minutes for additional notations.

- 4. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH COUNTY DEPUTIES ASSOCIATION FOR THE 2015 COUNTY FACILITIES USE AGREEMENT**

**ACTIONS TAKEN**

Consent Agenda Item Nos. 1 and 2 were declared as surplus; No. 3 was approved and authorized; Nos. 4, 5, 7 and 8 were approved; No. 6 was adopted; and Nos. 9 and 10 were ratified. Regular Agenda Item No. 1 was first continued, then later approved (*Page 7*); and No. 4 was approved and authorized.

AGREEMENT NOS.: 2015-83, 2015-84, 2015-85, 2015-86, 2015-87 and 2015-88  
 RESOLUTION NO.: 2015-29

**REGULAR AGENDA**

- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH WEST COAST CODE CONSULTANTS, INC., A CALIFORNIA CORPORATION, DBA KIMBALL ENGINEERING FOR PROFESSIONAL PLAN REVIEW AND INSPECTION SERVICES**

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Steve Kitchen and Bryce Armstrong from the Utah County Community Development Office approached the bench. Mr. Kitchen explained this agreement is to replace an ongoing contract with a company that was purchased by Kimball Engineering; it is actively being used for services. Commissioner Lee noted funds would need to be re-allocated due to pricing updates, and Mr. Armstrong mentioned difficulties in filling the position which has been vacant since February 2014. The department is hopeful that a recent interview will lead to a hired employee, which would in turn decrease the need for services by West Coast Code Consultants. Utah County Clerk/Auditor Bryan E. Thompson commented on the staffing plan, and Utah County Deputy Attorney David Shawcroft spoke on the ability to control costs since services are requested as needed.

**Commissioner Lee made the motion to approve and authorize an agreement with West Coast Code Consultants, Inc. dba Kimball Engineering for professional plan review and inspection services as detailed in Regular Agenda Item No. 2. The motion was seconded by Commissioner Graves and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

AGREEMENT NO. 2015-90

**3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 3R TO AGREEMENT NO. 2014-452 WITH RAASS BROTHERS, INC. FOR THE HISTORIC COURTHOUSE ROOF/PARAPET/WEST STEPS PROJECT**

Utah County Public Works Director Richard Nielson explained a bronze powder-coated railing will be replacing the silver railing along the West steps of the Historic Courthouse which was removed during construction, as requested by the Provo Landmarks Committee to reflect historical accuracy.

**Commissioner Lee made the motion to approve and authorize Change Order No. 3R to Agreement No. 2014-452 with Raass Brothers, Inc. for the Historic Courthouse Roof/Parapet/West Steps Project as specified in Regular Agenda Item No. 3. The motion was seconded by Commissioner Graves and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

AGREEMENT NO. 2015-89

**5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH COUNTY DEPUTIES ASSOCIATION FOR THE 2015 BASIC SWAT SCHOOL, K9 SCHOOL AND SNIPER SCHOOL**

Matt Higley and Mike Brower of the Utah County Sheriff's Office came forward to confirm this is the same agreement that has been in place for approximately twenty years. Commissioner Ellertson commented on the Special Weapons and Tactics (SWAT) training involving participants from all over the country. They discussed potential legal issues, including insurance and liability, with input from Utah County Deputy Attorney Robert J. Moore. Mr. Moore clarified the Utah County Deputies Association is an independent contractor with an indemnification provision, and Mr. Brower mentioned students sign a 'hold harmless' agreement; injuries are typically handled by the individual worker's compensation benefits. When confirmed that training takes place on county property, Commissioner Ellertson suggested continuing discussion for one week.

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**Commissioner Graves made the motion to continue Regular Agenda Item No. 5 regarding an agreement with the Utah County Deputies Association for the 2015 Basic SWAT School, K9 School and Sniper School for one week to the February 17, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves**

**NAY: None**

CONTINUED TO FEBRUARY 10, 2014

Commissioner Lee took a moment of personal privilege to address the proposed Provo/Orem Bus Rapid Transit project. The Utah County Attorney's Office is working to provide answers regarding financial bonds and indemnifications. Commissioner Lee stated he is a public servant, not a public master; he does not apologize for carefully considering how to spend money. It is the citizens that should control the county, not special interests or government entities. He noted 'everyone can learn to sail when the winds are light;' current political and social economic winds are strongly blowing. Commissioner Lee challenged BRT all throughout the election process, and disagrees there is only a small vocal minority opposed to the project. Commissioner Lee declared he will continue asking questions and continue challenging ideas because that is what the people elected him to do, and the elected officials will be held accountable to them.

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

**10. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED**

**Commissioner Graves made the motion to strike Regular Agenda Item No. 10 to set a date, time, and location for a closed meeting to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves**

**NAY: None**

STRICKEN

**6. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS**

**Commissioner Graves made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the Work Session portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

SET

**7. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION**

**Commissioner Graves made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

SET

**8. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY**

**Commissioner Graves made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property to immediately follow the previously scheduled closed meetings today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

SET

**9. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY**

**Commissioner Graves made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the sale of real property to immediately follow the previously scheduled closed meetings today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

SET

**WORK SESSION**

NO WORK SESSION ITEMS WERE SUBMITTED

This concluded discussion of all scheduled agenda items, and the meeting recessed at 9:34 A.M. to go into closed sessions. The public meeting reconvened at 10:46 A.M., and the commissioners requested Regular Agenda Item No. 1 be re-opened for discussion.

**REGULAR AGENDA**

- 1. DELETE ONE FULL-TIME CAREER SERVICE DEPUTY - ENFORCEMENT POSITION (100-42140-4016-7-1), AND ADD ONE FULL-TIME CAREER SERVICE SERGEANT - ENFORCEMENT POSITION (100-42140-3091) TO THE EMERGENCY MANAGEMENT STAFFING PLAN IN THE ENFORCEMENT DIVISION OF THE SHERIFF'S OFFICE**

Commissioner Ellertson commented on the current vacant positions within the Emergency Management Staffing Plan. The two positions have similar responsibilities and should be aligned accordingly, assuming the Utah County Sheriff's Office will find funding within the existing budget to cover the change.

**Commissioner Graves made the motion to approve the staffing plan changes identified in Regular Agenda Item No. 1. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

APPROVED

\*Please refer to the final page of these minutes for additional notations.

This concluded the open meeting.

**Commissioner Graves made the motion to adjourn the February 10, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

There being no further business nor public comment, the meeting adjourned at 10:49 A.M. The minutes of the February 10, 2015 Commission meeting were approved as transcribed on March 17, 2015.

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LARRY A. ELLERTSON, Commission Chair

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ATTEST:

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BRYAN E. THOMPSON  
Utah County Clerk/Auditor

**\*Regular Agenda Item No. 1:**

After initially choosing to continue Regular Agenda Item No. 1 for one week, the commissioners returned the item to the table following closed meetings; it was approved by unanimous vote.